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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/30/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,606

Applicant(s)

NISHIKAWA ET AL.

Examiner

Annan Q Shang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 11-14 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by **Dunn et al (6,571,390)**.

As to claim 1, note the **Dunn et al** reference figures 1, 3 and 4, disclose an interactive entertainment network system and method for customizing operation according to viewer preferences and further disclose method for selectively storing data associated with a broadcast channel (VOD channel, col. 6, lines 27-38) capable of being received and displayed by an entertainment system (set-top box 26 and TV display device, fig. 1 and col. 4, lines 10-20), the method comprising:

the claimed "receiving programming data associated with the channel," is met by Set-Top Box (STB) 26 (fig. 1, col. 4, lines 53-60 and col. 5, lines 24-38), note that Headend 22 transmits VOD channel and program information "programming data associated with the channel" (col. 5, lines 24-37) with video content programs and associated preview video trailers to STB 26; TV or Video

Art Unit: 2614

Display Device 28, displays a preview "a show" associated with the VOD channel and the program information (col. 4, lines 60-65 and col. 6, lines 9-23) and "VIEWER LIST" "a menu" associated with storing of the VOD channel and program information in RAM 56 "memory;"

the claimed "selecting to load the programming data of the channel associated with show currently being displayed..." is met by the Viewer (col. 6, lines 15-23), note that the Viewer previews or "surf" through the various trailers (col. 6, lines 28-38), the Viewer uses the "ADD TO LIST" button (col. 6, line 48-col. 7, line 6) to load the VOD channel and program information of video content program that corresponds to the displayed preview video trailer "the show currently being displayed" in RAM 56 of STB 26 and loads the video content program or movie, etc., with the VOD channel being displayed in RAM 56.

As to claims 2 and 3, Dunn further discloses where the selecting to load includes specifying that the channel is to be added or removed to/from a list of stored channels (col. 6, line 66-col. 7, line 13 and col. 9, lines 36-54), note that the Viewer "surf" the preview video trailers in the same manner as channel surfing through traditional cable channels.

As to claim 4, Dunn further discloses selecting for display, a list of stored channels "VIEWER LIST" 102 and displaying the list of stored channels (fig. 5 and col. 7, lines 58-65).

As to claim 5, Dunn further discloses navigating through the list of stored channels (col. 8, lines 2-5).

As to claim 6, Dunn further discloses receiving a digital bit stream (col. 4, lines 21-27) including the video/audio content programs "sensory data" and associated preview video trailers corresponding to the video content program and preview trailers (col. 5, lines 24-37).

As to claim 7, Dunn further where selecting to order "load" the video content program data comprises VOD 62 executable program which is downloaded and runs on STB 26 data Processor 52 to produce VIEWER LIST 102 "menu" (col. 6, lines 8-16) and selecting "ADD TO LIST" 80 "an option icon" of the screen 74 to prompt selection of channel into RAM 56.

As to claim 8, Dunn further discloses where adding the program information into RAM 56 includes loading the channel number information and source of the channel into RAM 56 (col. 6, line 66-col. 7, line 13 and col. 9, lines 36-54), note that the Viewer "surf" the preview video trailers in the same manner as channel surfing through traditional cable channels and activates the "ADD TO LIST" 80 icon to add a channel to the viewer list.

As to claim 9, Dunn further discloses selecting for display, a list "VIEWER LIST" 102 of stored channels and the Viewer can select "ORDER" 76 icon to cause STB 26 to tune to a channel in the VIEWER LIST 102 of the stored channels to broadcast the video content program corresponding to the channel (col. 6, lines 56-65).

As to claim 11, note the **Dunn et al** reference figures 1, 3 and 4, disclose an interactive entertainment network system and method for customizing operation according to viewer preferences and further disclose method an

Art Unit: 2614

entertainment system (set-top box 26 and TV display device, fig. 1 and col. 4, lines 10-20) comprising:

the claimed "a display monitor" is met by TV or Video Display Device 28 (fig. 1 and col. 4, lines 21-27);

the claimed "a broadcast receiver coupled to the display monitor..." is met by Set-Top Box (STB) 26 (fig. 1 and col. 4, lines 53-60), which is coupled to TV or Video Display Device 28 and inherently includes a front-end unit capable of receiving via Headend 22 VOD channel and program information "programming data associated with the channel" (col. 5, lines 24-37) with video content programs and associated preview video trailers to STB 26 on TV or Video Display Device 28, RAM 56 "a memory," and Processor 52 "a central processing unit" coupled to RAM 56, Processor 52 coupled to receive program information associated with VOD channel "broadcast channel," where Processor 52 executes VOD application program to add "load" program information associated with the channel currently being displayed into RAM 56 (col. 6, lines 9-22 and line 66-col. 7, line 13).

As to claims 12 and 13, Dunn further disclose where Processor 52 executes VOD application program to display a screen menu 74 on TV or Video Display Device 26, screen menu 74 includes an "ADD TO LIST" 60 icon selectable to add or "REMOVE" icon remove a current channel to/from a list of channels stored in RAM 56 (col. 6, lines 48-65).

As to claim 14, Dunn further disclose Video Display Device 28 includes a STB 26 "television receiver" (col. 4, line 21-27).

As to claim 16, Dunn where Processor 52 of STB 26 executes VOD 62 application program which is downloaded to produce screen menu 74 where selection of an icon of the screen menu 74 (figs 3-5) signals Processor 52 to execute the VOD application program to add preview "a currently displayed" channel to a "VIEWER LIST" 102 of channels stored in RAM 56 (col. 6, lines 8-16, line 48-col. 7, line 6).

As to claim 17, Dunn further discloses where screen menu 74 further comprises CHOICES "a second" icon selectable to display a second screen menu that displays the list of channels stored in RAM 56 (col. 7, lines 46-63).

As claim 18 and 19, Dunn further discloses where the second screen menu (fig 9) comprises a graphical portion, list of channels being scrollable and graphical portion displaying a preview corresponding to a channel in the list during scrolling (col. 7, lines 30-35 and line 45-63), where the screen comprises a text portion which includes a description of the preview corresponding to the channel.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2614

4. Claims 10 and 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dunn et al (6,571,390)** as applied to claims 1 and 11 above, and in view of **Banker et al (5,477,262)**.

As to claim 10, Dunn fails to explicitly teach selecting an option to exit the screen menu.

However, note **Banker et al** reference figure 15A disclose method and apparatus for providing an on-screen user interface for a subscription television terminal and discloses selecting an option to exit a screen menu (fig. 15, note "PRESS [MENU] TO EXIT" option).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Banker into the system of Dunn to provide option to exit the screen menu to allow the viewer to return to the television program.

Claim 20 is met as previously discussed with respect to claim 10.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dunn et al (6,571,390)** as applied to claims 11 above, and in view of **Usui et al (5,808,694)**.

As to claim 15, Dunn teaches a STB 26 "a television receiver," but fails to explicitly teach the STB 26 with an integrated receiver decoder (IRD).

However, note the **Usui et al** reference figures 1 disclose a television receiver 5, with an IRD 4 (figs. 22, 23, col. 3, lines 28-33 and col. 17, lines 8-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Usui into the system of Dunn to provide an IRD to the television receiver to receive broadcast signal via satellite or wireless communication medium and offer the viewer with additional channels.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the independent claims necessitated the new ground(s) of rejection discussed above. This Office Action is made FINAL.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schein et al (6,732,369) disclose systems and methods for contextually linking television program information.

Alten et al (6,661,468) disclose electronic television program guide schedule system and method.

Matthews, III et al (6,631,523) disclose electronic program guide with hyperlinks to target resources.

Reynolds et al (6,563,515) disclose program guide system with video window browsing.

Art Unit: 2614

Knudson et al (6,526,577) disclose enhanced interactive program guide.

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the **Private PAIR system**, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.

**Annan Q. Shang**

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600